

Message Text

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ACTION EUR-25

INFO OCT-01 IO-12 ADP-00 EURE-00 INRE-00 CIAE-00 DODE-00

PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 ACDA-19 GAC-01 OMB-01 RSR-01

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P R 091619 Z APR 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 4371

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

INFO AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

C O N F I D E N T I A L SECTION 01 OF 02 BONN 05178

E. O. 11652: GDS

TAGS: PGOV, PFOR, GW, GE, UN

SUBJECT: FRG TIMETABLE FOR RATIFICATION AND ENTRY

INTO FORCE OF BASIC TREATY

REF: BONN A-789 OF SEPTEMBER 9, 1971

1. SUMMARY: AT BONN GROUP MEETING ON APRIL 5, FONOFF
REP (BRAEUTIGAM) CONFIRMED THAT FINAL BUNDESTAG CON-
SIDERATION OF THE BASIC TREATY AND UN ENTRY LEGISLATION
WOULD TAKE PLACE ON MAY 10 AND 11. HOWEVER, GIVEN THE
NECESSITY OF FURTHER ACTION ON THE TWO PIECES OF LEGIS-
LATION BY THE BUNDESRAT DURING ITS SESSION ON MAY 25,
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BRAEUTIGAM DOUBTED THAT THE BASIC TREATY COULD BE PUT INTO FORCE BEFORE THE FIRST WEEK OF JUNE. HE SAID THE FEDERAL GOVERNMENT HAD NOT YET REACHED A FIRM POSITION ON WHAT TO DO ABOUT THE VARIOUS CONDITIONS BEING STATED BY THE GDR FOR ENTRY INTO FORCE OF THE BASIC TREATY. END SUMMARY.

2. BRAEUTIGAM SAID THAT THE GOVERNMENT HAD SCHEDULED BUNDESTAG CONSIDERATION OF THE BASIC TREATY AND UN LEGISLATION TO FIT IN WITH THE LESS FLEXIBLE SCHEDULE OF THE BUNDESRAT WHICH HAD FOR SOME TIME HAD ITNT UNITED STATES AUTHORITIES TO SECURE NECESSARY AUTHORIZATION FOR THE EXPORT OF THE MATERIAL IN QUESTION TO LIBYA.

IN THIS REGARD, THE MINISTRY OF FOREIGN AFFAIRS HAS THE HONOR TO COMMUNICATE THAT THE GOVERNMENT OF ITALY TAKES UPON ITSELF THE OBLIGATION NOT TO GRANT THE LIBYAN GOVERNMENT AUTHORIZATION TO TRANSFER TITLE OR POSSESSION OF THE ABOVE- MENTIONED MATERIAL WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF THE GOVERNMENT OF THE UNITED STATES.

THE MINISTRY OF FOREIGN AFFAIRS TAKES THIS OCCASION TO RENEW TO THE EMBASSY OF THE UNITES STATES OF AMERICA THE ASSURANCES OF THE HIGHEST CONSIDERATION. UNQTE

2. IN AMPLIFYING ORALLY ON THE FORMAL REQUEST, THE CONCERNED FOREIGN OFFICE OFFICIAL DISMISSED ITS PURELY COMMERCIAL ASPECT (SOME \$10 MILLION, OF WHICH \$5 MILLION WOULD ACCRUE TO THE U. S. LICENSOR) AND STRESSED THE STRONG ITALIAN DESIRE TO (KEEP OPEN) ITALY' S POLITICAL CHANNEL TO THE LARG, OBSERVING THAT COMPARABLE EQUIPMENT COULD EASILY BE SECURED " ELSEWHERE" BY LIBYA. THE OFFICIAL ALSO NOTED THAT THE GOI WAS UNDER PRESSURE FROM THE LARG FOR AN EARLY RESPONSE TO ITS REQUEST.

3. EMBASSY BELIEVES THAT THE SAME RATIONALE WHICH SERVED AS THE BASIS FOR OUR EARLIER SUPPORT OF ITALIAN SALES TO LIBYA AND WASHINGTON APPROVAL THEREOF IS STILL VALID. HOWEVER, WE APPRECIATE THAT RECENT DEVELOPMENTS INVOLVING LIBYA, WHICH WE ARE NOT IN A POSITION TO EVALUATE FULLY, MIGHT CONSTITUTE A BASIS TO REEVALUATE THE U. S. POSITION IN THIS MATTER.

4. WE WOULD EXPECT THAT, GIVEN ANDREOTTI' S PERSONAL INTEREST IN PREVIOUS SALES TO LIBYA, THE ITALIAN SIDE WILL RAISE THIS SUBJECT DURING HIS VISIT TO THE U. S. LATER THIS MONTH IF A DECISION IS NOT FORTHCOMING BEFOREHAND OR IF THE DECISION IS NEGATIVE. VOLPE

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AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION BERLIN
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 05178

(UNLESS THE QUESTION OF REPRESENTATION OF WEST
BERLIN BY THE FRG IS NOT SATISFACTORILY DEALT WITH--
SEE BERLIN 612). CONCERNING THE BASIC TREATY LEGIS-
LATION, THE MAY 10 AND 11 BUNDESTAG CONSIDERATION WILL
IN EFFECT PROVIDE FINAL APPROVAL BY THE LOWER HOUSE
FOR THE BILL. AT ITS MEETING ON MAY 25, THE BUNDESRAT
WILL HAVE TWO OPTIONS-- EITHER TO ACCEPT THE DECISION
OF THE BUNDESTAG OR TO REQUEST THAT THE TREATY LEGIS-
LATION BE SENT TO THE JOINT CONFERENCE COMMITTEE
(VERMITTLUNGSAUSSCHUSS) FOR RESOLUTION OF DIFFERENCES.
SINCE THE CDU/ CSU HAS A ONE VOTE MAJORITY IN THE
BUNDESRAT, IT COULD IF IT WISHED HAVE THE BASIC TREATY
LEGISLATION SENT TO THE JOINT CONFERENCE COMMITTEE.
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IT IS, HOWEVER, NOT YET CERTAIN THAT THE CDU/ CSU WILL FORCE SUCH A MOVE. THERE ARE REPORTS THAT THE RHEINLAND/ PFALZ DELEGATION WILL ABSTAIN AT THE MAY 25 VOTE.

7. SINCE THE GOVERNMENT PARTIES WOULD HAVE A MAJORITY ON THE JOINT CONFERENCE COMMITTEE, THE RESULT OF CONSIDERATION IN THIS BODY WOULD STILL PROBABLY BE US MONTHLY MEETING FOR MAY SET FOR MAY 25. CONCLUDING BUNDESTAG ACTION ON MAY 11 WOULD GIVE THE BUNDESRAT PLENTY OF TIME TO CONSIDER THE LEGISLATION WITHIN THE THREE- WEEK PERIOD DURING WHICH IT MUST COMMENT ON BILLS PASSED BY THE LOWER HOUSE.

3. BRAEUTIGAM ADMITTED THAT THE GOVERNMENT WISHED ALSO TO HAVE THE DEBATE OUT OF THE WAY BEFORE THE PLANNED BREZHNEV VISIT TO BONN, WHICH WOULD PROBABLY BEGIN ON MAY 12 (SEE BONN 5105). HE ARGUED, HOWEVER, THAT PRACTICAL RATHER THAN POLITICAL CONSIDERATIONS WERE THE DETERMINING FACTOR. IT WOULD OBVIOUSLY BE IMPOSSIBLE FOR THE CHANCELLOR TO TAKE CARE OF BREZHNEV AT THE SAME TIME AS A MAJOR DEBATE WAS GOING ON IN THE BUNDESTAG. SINCE THE BUNDESRAT WOULD HAVE TO HAVE ONE FINAL LOOK AT THE BASIC TREATY ON MAY 25, IT WOULD NOT IN ANY CASE BE POSSIBLE TO HAVE RATIFICATION PROCEDURES COMPLETED BEFORE BREZHNEV ARRIVED.

4. BRAEUTIGAM SAID THE FEDERAL GOVERNMENT HAD NOT YET DECIDED HOW TO APPROACH THE QUESTION OF ACTUALLY PUTTING THE BASIC TREATY INTO FORCE. THE GDR CONTINUED TO MAINTAIN ITS DEMAND THAT SOME ASSURANCES BE GIVEN ON UN MEMBERSHIP BEFORE THE ACTUAL EXCHANGE OF RATIFICATION INSTRUMENTS TOOK PLACE. HE BELIEVED THE FRG WOULD WAIT FOR GDR REACTIONS TO WEST GERMAN PROPOSALS AT THE NEXT GRABERT- KOHL MEETING (NOW SCHEDULED FOR APRIL 26) BEFORE TAKING ANY FIRM DECISIONS ON HOW TO PROCEED FURTHER.

5. AT THE MOMENT, THE GOVERNMENT WAS PLANNING TO HAVE CONFIDENTIAL

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GRABERT TELL KOHL THAT THE FRG WANTED THE BASIC TREATY TO ENTER INTO FORCE BEFORE THE TWO GERMAN STATES FORMALLY APPLIED FOR UN MEMBERSHIP. A FURTHER CONDITION ON THE FRG SIDE WOULD BE THAT ARRANGEMENTS FOR ESTABLISHMENT OF THE PERMANENT REPRESENTATIONS IN EAST BERLIN AND BONN BE COMPLETED BEFORE ENTRY INTO FORCE. BRAEUTIGAM NOTED THAT THE EAST GERMANS WERE TRYING TO

DELAY DISCUSSION OF THIS TOPIC UNTIL THE LAST POSSIBLE MOMENT, PERHAPS EVEN UNTIL AFTER ENTRY INTO FORCE. ON APRIL 26, GRABERT WOULD ATTEMPT TO PRESS KOHL BY PRESENTING A PAPER GIVING FRG VIEWS ON HOW ARRANGEMENTS FOR THE RESPECTIVE MISSIONS SHOULD BE COMPLETED.

6. EMBASSY COMMENT: DETAILS OF THE PROCESS FOR TREATY RATIFICATION WERE PRESENTED IN REFAIR. THE CDU/ CSU IS NOT LIKELY TO OPPOSE THE UN MEMBERSHIP LEGISLATION.

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